

Before the
Federal Communications Commission

Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
(Table of Allotments)
FM Broadcast Stations

Atlantic and Audubon, Iowa

) MM Docket No. 95-124
) RM-8573
)
)
)
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division

**COMMENTS AND COUNTERPROPOSAL OF
MEREDITH COMMUNICATIONS, L.C.**

Meredith Communications, L.C. ("Meredith"),¹ by and through counsel, hereby submits its Comments and Counterproposal on the Notice of Proposed Rulemaking, DA 95-1620, released July 28, 1995 ("NPRM"), in the above-referenced rulemaking proceeding². In support whereof, the following is shown:

1. In the NPRM, the Commission considered the Petition For Rulemaking ("Petition") of Wireless Communications Corp. ("Wireless") seeking the allotment of Channel 239C3 at Atlantic, Iowa. As will be demonstrated, the allotment of Channel 239C3 to Atlantic will not serve the public interest and is not the best use of spectrum.

¹ Meredith is the permittee of KSOM(FM), Audubon, Iowa. If the Commission allots a new FM station to Atlantic, Iowa, and that station is licensed to a competitor, the new Atlantic station will compete for revenues with Meredith's Audubon station. As such, Meredith has standing to file these Comments. See, FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1970).

² The NPRM set September 18, 1995, as the deadline for filing comments in this proceeding. Therefore, Meredith's Comments and Counterproposal are timely filed.

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**The Public Interest Will Not Be Served
by the Allotment of Channel 239C3 to Atlantic**

2. The community of Atlantic has no need for an additional radio station, and to allot one would be a waste of scarce spectrum. In a recent action, the Commission permitted Valley Broadcasting, Inc. ("Valley") the licensee of KXKT, Atlantic, to change its community of license from Atlantic to Glenwood, Iowa, a suburb of Omaha, Nebraska. See, Report and Order, DA 95-1583, in MM Docket No. 94-122, released July 14, 1995. In its Petition for Rulemaking, Valley argued that "Glenwood has an overwhelming need for the provision of a first aural service," and that "reallocation of channel 278C from Atlantic to Glenwood . . . will best serve the Commission's allocation priorities." In its Report and Order, the Commission agreed and found that "the public interest would be served by reallocating channel 279C from Atlantic to Glenwood." The Commission concluded that the loss of service to Atlantic would be minimized by the fact that Atlantic will continue to receive service from daytime AM station KJAN and nighttime service from at least five stations. Therefore, the Commission implicitly found that there was no great need to retain FM service at Atlantic, and that the public interest would be better served by reallocating the frequency to a different Iowa community. Since the licensee of KXKT has already abandoned the idea of operating an FM station in that community, to allot a new FM station to Atlantic would fly in the face of the Commission's action in removing the channel from Atlantic. Such an action would not serve the public interest.

Counterproposal

3. Although not mutually-exclusive with Wireless' proposal, Meredith has identified an alternative proposal that would better serve the Commission's goals of fair, equitable allotment of spectrum. Meredith's counterproposal should be considered under Priority (4) of *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) (other public interest matters). Instead of allotting a separate FM station to Atlantic, a community that has had an FM channel only recently removed from it, the Commission should permit Meredith to change the community of license of KSOM(FM), Audubon, Iowa, to the hyphenated community of Audubon-Atlantic, Iowa. By so doing, the Commission will better serve the public interest under Priority (4) *supra*. The hyphenated allotment will permit KSOM(FM) to provide local service to two Iowa communities. The hyphenated allotment satisfies the Commission's technical requirements, since KSOM(FM) already provides city grade coverage to Atlantic. (See Exhibit A, a copy of the coverage map from Meredith's application (BPH-920430MD) for construction permit for the new FM station at Audubon, Iowa, that became KSOM.)

4. The Commission will consider a hyphenated allotment in cases where it "appears that the communities should be as one due to the nearness and mutual economic, cultural and social interdependence." FM Table of Allotments (Canton, Georgia, et. al), 3 FCC Rcd 737, 739 (1988). The Commission also, generally, requires a showing that neither community could support its own FM station. FM Table of Allotments (Canton, Georgia, et. al), 3 FCC Rcd at 739, citing, FM Table of Allotments (Gardnerville-Minden, Nevada), 48 RR 2d 1700

(1981). In this case, the communities of Atlantic and Audubon are only about 25 miles apart. Neither is located near any major city or town.

5. That the licensee of KXKT, Atlantic, Iowa, sought to change the community of license of its station demonstrates that Atlantic would have a difficult time in supporting yet another radio station. There is presently an AM station, KJAN, licensed to Atlantic. In addition, the community of Atlantic already has access to the facilities of KSOM(FM). The studios of KSOM(FM) are located in Atlantic, and Meredith already serves both Audubon and Atlantic, even though Meredith's primary obligation is to Audubon. Although the Commission no longer formally considers the adverse economic impact of allotments, under Priority (4), it cannot ignore the business reality of allotting yet another station to a community of only 7,432 persons.³ To allot a second FM station to that community would make it very difficult for the new station to survive economically. The Commission's best choice is to refuse to allot another FM station to this market and, instead, modify the authorization of KSOM to specify Audubon-Atlantic as the station's community of license. This will enable KSOM(FM) to provide regional service to both communities. Therefore, a grant of Meredith's proposal will meet the public interest goals described in Wireless' proposal since the communities of Audubon and Atlantic will both receive local service from an FM station. A single FM station serving both communities will better serve the public interest since it will provide FM service to both Atlantic and Audubon without the preclusive effect of the allotment of new spectrum that would result from allotting Channel 239C3 to Atlantic alone. If the Commission permits Meredith to change the community of license of

³ Source: 1990 Census.

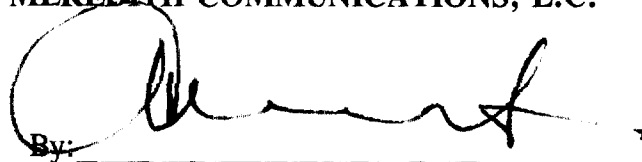
KSOM, then Meredith will promptly file an application for a minor change construction permit to operate KSOM at Atlantic-Audubon, Iowa, and upon grant, will promptly construct and operate the facilities.

WHEREFORE, the above-premises considered, Meredith Communications, L.C. respectfully requests that the Commission deny Wireless' Petition For Rulemaking and instead make the following change to the FM Table of Allotments:

	Channel No.	
<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Audubon, Iowa	243C1	----
Audubon-Atlantic, Iowa	----	243C1

Respectfully submitted,

MEREDITH COMMUNICATIONS, L.C.

By: 

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September 18, 1995

KSOM\COMMENTS.918

EXHIBIT A

EXHIBIT NO. E - 5

AUDUBON CITY LIMITS

60 DBU
1 MV/M
CONTOUR

70 DBU
3.16 MV/M
CONTOUR

PROPOSED
SITE

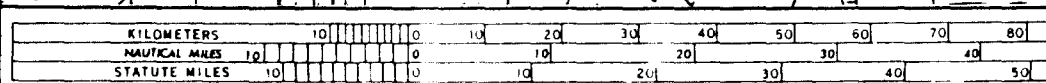
GALLAGHER & ASSOCIATES
CONSULTING RADIO ENGINEERS

THE FIELD STRENGTH CONTOURS SHOWN ON THIS
MAP WERE CALCULATED USING THE PROCEDURES
SET FORTH IN THE FCC RULES. ACTUAL FIELD
STRENGTH MAY BE DIFFERENT THAN SHOWN.

CF-17

WORLD AERONAUTICAL CHART
SCALE 1:1,000,000

CALCULATED COVERAGE CONTOURS
NEW FM BROADCAST STATION
AUDUBON, IOWA
ERP 100 KW AT 159 METRES AAT
CHANNEL 243C1 - 96.5 MHz



CERTIFICATE OF SERVICE

I, Denise Felice, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 18th day of September, 1995, copies of the foregoing were sent by first class mail, postage prepaid, to the following:

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